# HIGH COURT OF UTTARANCHAL, AT NAINITAL.

**Criminal Misc. Application No.169 of 2006**

M/s Kenwood Colour Lab
Through its partner Ashok Arora
S/o Sri R.C. Arora
R/o B-62 Rajnagar
Near Railway station Jwalapur
P.S. Jwalapur
District Haridwar ……Applicant

Versus

1. District & Sessions Judge
   Haridwar
2. P.K. Ghosh, Proprietor
   M/s Globe Overseas
   R/o House No.152 Sec. 16A
   District Faridabad, Haryana ……..Respondents

**Dated :- 10.03.2006**

**Hon'ble J. C. S. Rawat, J.**

The petition under section 482 Cr.P.C. has been filed with the prayer to set aside the order dated 01.03.2006 passed by the Sessions Judge, Haridwar in criminal revision No.77/2006 P.K. Ghosh Vs. State and the Sessions Judge may be directed to send back the lower court record to the trial court.

Brief facts of the case are that the applicant lodged a complaint before the learned Magistrate against the respondent No.2-P.K.Ghosh and his wife under section 420 IPC. Thereafter, the learned Magistrate summoned the respondent No.2 vide order dated 17.5.2005. The respondent No.2 filed a bail application before the court below and the bail was granted on 04.02.2006 on furnishing two sureties amounting to Rs.25,000/- each. It was directed that one surety of Rs.25,000/- may be produced within one week. But, when he failed to submit one surety within the stipulated time, the court below vide order dated 13.2.2006 cancelled the bail

bonds granted earlier and issued non bailable warrant against him. Feeling aggrieved, the respondent No.2 preferred a revision before the Sessions Judge. The Sessions Judge summoned the lower court's record.

Feeling aggrieved by the order of the Sessions Judge, the applicant has come up before this Court.

I have heard Sri Lalit Tiwari learned counsel for the applicant and Sri G.S. Sandhu learned A.G.A.

It was contended on behalf of the applicant that the Sessions Judge has no jurisdiction to entertain the revision as the order passed by the Magistrate was an interlocutory order. Perusal of the record reveals that the revision was filed before the Sessions Judge on 1.3.2006. Thereafter, the Sessions Judge fixed the date in the month of May, 2006, but the applicant has not approached the revisional court for challenging the maintainability of the said revision.

The applicant instead of approaching the revisional court has come up before this Court. He should have approached the revisional court for challenging the maintainability of the revision. He can raise this point before the revisional court. The Sessions Judge is directed to dispose of this matter himself or to assign an officer for disposal. It is further directed that this matter be disposed of within a period of two months from the date of receipt of copy of this order.

In view of the above, the petition is disposed of accordingly.

**(J.C.S.RAWAT, J.)**

Dated 10.03.2006

LSR